

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

**REQUEST FOR INFORMATION ON CLASS MEMBERS TO BE IMMINENTLY
TRANSFERRED AND BRIEFING ON INDIVIDUAL APPLICATION FOR BAIL**

INTRODUCTION

Plaintiffs respectfully seek leave to submit this briefing on the individual application for Smith Augustin. In addition, Plaintiffs request that the Court ask Defendants to provide additional information on the intended transfer of two individuals (Isaac Doe and Woodley Dodieu), which is to occur as soon as Monday afternoon. This imminent transfer does not appear to be for purposes of removal; the facility proposed for transfer is currently itself on “lockdown” status because of COVID-19 cases; and two different federal judges have recently ordered detainees released from the facility on this basis. *See Medeiros et al. v. Martin et al.*, 2020 WL 2104897 (D.R.I. May 1, 2020).

INDIVIDUAL APPLICATION FOR BAIL

Smith Augustin was transferred from BCHOC criminal custody earlier this week, *see* ECF 146 (Defendants’ Notice of Transfer into Bristol) and so has not appeared on any of the Court’s lists for applications for bail. Since the Court has indicated a desire to have briefing on each individual currently being detained at BCHOC, Plaintiffs respectfully request leave to submit such briefing for Mr. Augustin. Should the Court allow Plaintiffs to do so, his application for bail is attached hereto as Exhibit 1.¹

INFORMATION REGARDING TWO CLASS MEMBERS TO BE TRANSFERRED

On May 7, 2020, immediately following the Preliminary Injunction hearing, Defendants filed a Notice of Intended Transfer of Isaac Doe and Woodley Dodieu. ECF 167. Defendants

¹ As with previous filings, if the Court determines that there are certain records or additional evidence that is needed, or wishes the included material to be presented in a different format, Plaintiffs respectfully request that the Court so inform counsel, so that we may attempt to provide it to the Court expeditiously. This application follows the same format as others previously submitted and similarly incorporates by reference relevant information (*e.g.*, briefing on CDC high-risk medical conditions) that has previously been filed with this Court, *see* ECF 52, 56, 65, 74, 78, 81.

stated that they intend to transfer these two class members to the Donald W. Wyatt Detention Facility in Central Falls, Rhode Island “no sooner than 1:30 pm on Monday, May 11, 2020.”

In contrast to other Notices of Intent to Transfer that Defendants have previously filed in this case, *see, e.g.*, ECF 113, the May 7 Notice does not indicate that these transfers are to effectuate removal. Indeed, it appears that at least one of the individuals (Mr. Dodieu) is not presently removeable, since his case is still pending before the Board of Immigration Appeals. ECF 81, Ex. 9.

The Wyatt Detention Facility, to which Defendants intend to transfer Mr. Doe and Mr. Dodieu, is itself “on Lockdown status” due to COVID-19, according to the Facility’s website. *See* <http://www.wyattdetention.com/Home>. Eight (8) detainees at the facility have apparently recently tested positive for COVID-19.² The facility made the report of positive tests in response to an order from Chief Judge John McConnell, U.S. District Court for the District of Rhode Island.³

Two federal judges have recently ordered ICE detainees released from the Wyatt Detention Facility in light of concerns about the COVID-19 outbreak. On April 24, 2020, U.S. District Judge William E. Smith ordered two individuals released. *See Medeiros v. Martin*, 2020 WL 1969363 (D.R.I. April 24, 2020) (Order granting TRO); *Medeiros v. Martin*, 2020 WL 2104897 (D.R.I. May 1, 2020) (Memorandum of Decision). “In a separate case, Chief Judge John J. McDonnell Jr. granted the release of [another ICE detainee]” from the Wyatt facility.⁴

² *See* WPRI, *Judges order release of 3 Wyatt detainees as 8 test positive for COVID-19* (April 25, 2020), available at <https://www.wpri.com/news/judges-order-release-of-3-wyatt-detainees-as-8-test-positive-for-covid-19/>.

³ *Id.*; *see also* General Order Directing The Warden Of The Donald W. Wyatt Detention Facility To File Status Reports (April 16, 2020), available at https://www.rid.uscourts.gov/sites/rid/files/Wyatt_General_Order.pdf.

⁴ *See* PROVIDENCE JOURNAL, *Judges order release of 3 ICE detainees from Wyatt as 7 more inmates test positive* (April 24, 2020), available at <https://www.providencejournal.com/news/20200424/judges-order-release-of-3-ice-detainees-from-wyatt-as-7-more-inmates-test-positive>. (“The center was placed on lockdown Tuesday after a different detainee tested positive for the coronavirus. As of Friday, seven more detainees had tested positive.”)

Plaintiffs asked Defendants' counsel on Thursday evening for further information about why Mr. Doe and Mr. Dodieu were being transferred to the Wyatt facility, but as of the time of this filing have had no response. In light of the imminent transfer date/time of Monday at 1:30 pm, Plaintiffs bring this matter to the Court's attention so that further information can be sought and/or the transfers put on hold, should the Court so desire.

It is Plaintiffs' understanding that both Mr. Doe and Mr. Dodieu are currently housed in 2 East at BCHOC. Their individual applications for bail have been submitted to the Court, *see* ECF 81, Ex. 9 (Dodieu), ECF 92, Ex. 9 (Doe), and both applications are under advisement.

CONCLUSION

Plaintiffs respectfully request leave to file the attached application for bail for Smith Augustin, and that for the reasons set forth therein, he be admitted to bail. Plaintiffs further request that the Court request Defendants to provide further information on the imminent transfers of Isaac Doe and Woodley Dodieu and/or stay their transfer pending the receipt of such further information. Alternatively, Plaintiffs request that they be admitted to bail.

May 9, 2020

Respectfully Submitted,
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CERTIFICATE OF SERVICE

I hereby certify that, on May 9, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: May 9, 2020

/s/ Oren Sellstrom
Oren Sellstrom (BBO #569045)

[†] Admitted *pro hac vice*.

^{*} Motion for law student appearances pending.